

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION,

Plaintiff,

-v-

VOYAGER DIGITAL, LLC, *a limited liability  
company, et al.*,

Defendants.  
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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 10/15/2023

1:23-cv-8960-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

The Court declines to enter the proposed judgment at Dkt. No. 4-1 (the “Proposed Order”) on this record. The motion filed by Plaintiff does not comply with the Court’s Local Rules, which require that any motion be accompanied by one or more affidavits containing any factual information necessary for decision of the motion. *See* Local Rule 7.1(c). In this case, the Court expects that any affidavits and supplemental legal briefing would provide the factual and legal basis for the Court to conclude that the proposed order for permanent injunction, monetary judgment, and other relief presented to the Court by the Federal Trade Commission is fair and reasonable, and that it would not disserve the public interest. *See S.E.C. v. Citigroup Global Markets, Inc.*, 752 F.3d 285, 294 (2d Cir. 2014). A supplemental memorandum of law should specifically address the factors described in *Citigroup*. *See id.* at 294–95. The conclusory assertions by Plaintiff in the “Findings” section of the proposed order, without any elaboration regarding the factual predicate for those findings, does not suffice. Plaintiff and Defendants Voyager Digital, LLC, Voyager Digital Holdings, Inc., Voyager Digital Ltd. (collectively, the “Corporate Defendants”) are directed to submit to the Court sworn factual statements that would permit the Court to make all of the proposed findings.

Plaintiff and the Corporate Defendants have proposed that the Court include in the order a number of provisions that purport to affect what appear to be ongoing bankruptcy proceedings. *See, e.g.* Proposed Order ¶¶ V, VI, VII(C) and (F). Plaintiff and the Corporate Defendants are directed to submit supplemental briefing describing the status of any such ongoing proceedings, and describing the basis for the Court's authority to grant the relief requested in the proposed order, and the effect of that requested order on the ongoing bankruptcy proceedings and the interests of any other creditors in those proceedings.


Additionally, counsel for the Corporate Defendants are directed to enter a notice of appearance in this case.

Counsel for Plaintiff is directed to serve this order on all Defendants and to file proof of service.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 4.

SO ORDERED.

Dated: October 15, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge